

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 319

ORDINANCE NO. 90 130

AN ORDINANCE REPEALING ORDINANCE NO. 874, WHICH AMENDED SECTION 7.05, CURRENTLY SECTION 25-90, THE KAILUA-HONALO URBAN ZONE MAP, ARTICLE 2, CHAPTER 8, CURRENTLY ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE 1983, AS AMENDED, AND CHANGED THE DISTRICT CLASSIFICATION FROM DOUBLE FAMILY RESIDENTIAL (RD-3.75) TO MULTIPLE FAMILY RESIDENTIAL (RM-2.5) AT HOLUALOA 1ST AND 2ND, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-6-17:19 AND 79, AND REDESIGNATING THE SUBJECT PROPERTIES BY THE DISTRICT CLASSIFICATION OF DOUBLE FAMILY RESIDENTIAL (RD-3.75).

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAII:

SECTION 1. Ordinance No. 874 which amended Section 25-90 (The Kailua-Honalo Urban Zone Map), Article 3, Chapter 25 (Zoning Code) of the Hawaii County Code as amended is hereby repealed in its entirety.

[SECTION 1. Section 7.05, Article 2, Chapter 8 (Zoning Code) of the Hawaii County Code, as amended, is further amended to add a new subsection, to read as follows:

"7.05 (bb). The district classification of the following area situated at Holualoa 1st and 2nd, North Kona, Hawaii, shall be Multiple Family Residential (RM-2.5):

Beginning at a spike in concrete at the southeast corner of this parcel of land and on the east side of Alii Drive, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAHELO" being 3578.53 feet South and 2183.96 feet East, thence running by azimuths measured clockwise from True South:

- 1. 148° 08' 60.24 feet along the East side of Alii Drive to a nail;

2. 146° 09' 40.02 feet along the East side of Alii Drive to a spike in concrete;
3. 238° 08' 210.24 feet along Lots 27 and 4a (Portion of Lot 4) to a spike in concrete;
4. 328° 08' 100.24 feet along the West side of a 25-foot wide road to a spike in concrete;
5. 58° 08' 208.84 feet along Lot 61 C (Portion of Lot 61) to the point of beginning and containing an area of 20,962 Square Feet.

All as outlined in red on the map attached hereto, marked Exhibit "A" and by reference made a part hereof.

This subsection is conditioned upon the following: (A) the petitioner or his authorized representative shall be responsible for complying with all conditions of the change of zone; (B) plans for the project shall be submitted for Plan Approval within one year from the effective date of the change of zone ordinance; (C) construction shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within two years thereafter; (D) the eight units shall be offered for sale in compliance with the following: The petitioner shall provide housing opportunities for low and moderate income Hawaii residents by selling on a preferential basis, on its own or in cooperation with the County, the residential units to be developed on the subject property, to residents of the

State of Hawaii of low and moderate family income as determined by the Housing Administrator from time to time. The preferential residential units shall be sold at prices not exceeding prices that enable such purchasers to qualify for and obtain state-assisted financing (i.e. Act 105 or Hula Mae) or federally-insured or assisted financing intended to encourage home ownership by low and moderate income families. The foregoing condition may be fully or partially released by the Housing Administrator as to all or any portion of the subject property upon adequate assurance of satisfaction of this condition by the petitioner; (E) all units shall have a recorded covenant prohibiting transient vacation rental or time sharing of the units as defined by Chapter 514E, Hawaii Revised Statutes; (F) the two lots shall be consolidated prior to the issuance of a building permit for the proposed structure; (G) the requirements of the Department of Water Supply and the Department of Health shall be complied with; and (H) all other applicable rules, regulations, and requirements shall be complied with. Should any of the foregoing conditions not be met, the rezoning of the property to its original or more appropriate designation may be initiated."]

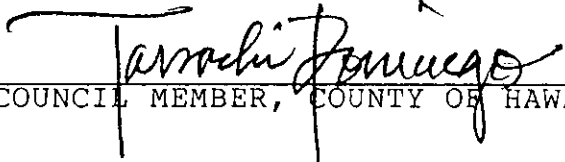
SECTION 2. The properties shall be reclassified back to its original Double Family Residential (RD-3.75) zoned district as shown on the map attached hereto, marked Exhibit "A" and by reference made a part hereof.

SECTION 3. Material to be repealed is bracketed.

SECTION 4. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

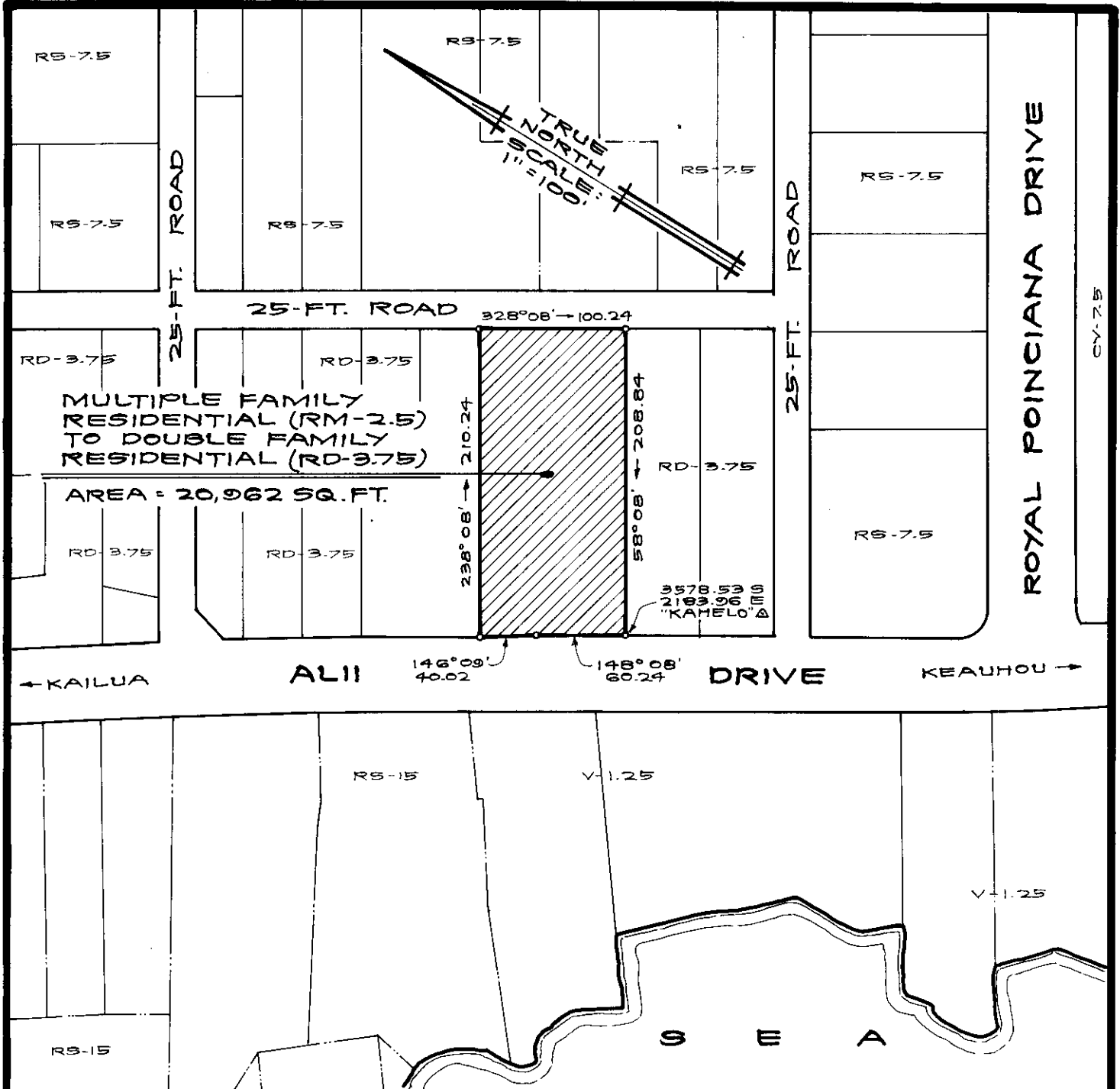
SECTION 5. This ordinance shall take effect upon its approval.

INTRODUCED BY:

  
COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: October 3, 1990  
Date of 1st Reading: October 3, 1990  
Date of 2nd Reading: October 17, 1990  
Effective Date: October 20, 1990



**AMENDMENT TO THE ZONING CODE**

REPEAL OF ORDINANCE NO. 874, WHICH AMENDED SECTION 705, CURRENTLY SECTION 25-90, THE KAILUA - HONALO URBAN ZONE MAP, ARTICLE 2, CHAPTER 8, CURRENTLY ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, AS AMENDED, AND CHANGED THE DISTRICT CLASSIFICATION FROM DOUBLE FAMILY RESIDENTIAL (RD-3.75) TO MULTIPLE FAMILY RESIDENTIAL (RM-2.5) AT HOLLUALOA 1ST AND 2ND, NORTH KONA, HAWAII. UPON THE REPEAL OF ORDINANCE NO. 874, THE SUBJECT PROPERTY SHALL BE DESIGNATED BY THE DISTRICT CLASSIFICATION OF DOUBLE FAMILY RESIDENTIAL (RD-3.75)

PREPARED BY : PLANNING DEPARTMENT  
 COUNTY OF HAWAII

TMK : 7-6-17 : 19 AND 79

MAY 29, 1990